

HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SYED ABBAS, On Behalf of Himself and All
Others Similarly Situated,

NO. 2:16-cv-1275 JLR

Plaintiff,

v.

OUTERWALL INC., JEFFREY J. BROWN,
NELSON C. CHAN, NORA M. DENZEL,
DAVID M. ESKENAZY, ROSS G.
LANDSBAUM, ERIK E. PRUSCH, and
ROBERT D. SZNEWAJS,

Defendants.

**STIPULATION AND ~~PROPOSED~~
ORDER CONSOLIDATING RELATED
CASES**

NOTE FOR MOTION:
September 21, 2016

CHARLES BAUMGARTNER, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

OUTERWALL, INC., NELSON C. CHAN,
JEFFREY J. BROWN, NORA M. DENZEL,
DAVID M. ESKENAZY, ROSS G.
LANDSBAUM, ERIK E. PRUSCH and
ROBERT D. SZNEWAJS,

Defendants.

NO. 2:16-cv-01281 TSZ

STIPULATION AND [PROPOSED] ORDER
CONSOLIDATING RELATED CASES - 1

BRESKIN | JOHNSON | TOWNSEND PLLC
1000 Second Avenue, Suite 3670
Seattle, Washington 98104 Tel: 206-652-8660

1 EDWARD T. HUNTER, On Behalf of
2 Himself and All Others Similarly Situated,

NO. 2:16-cv-1285 JPD

3 Plaintiff,

4 vs.

5 OUTERWALL, INC., JEFFREY J. BROWN,
6 NELSON C. CHAN, NORA M. DENZEL,
7 DAVID M. ESKENAZY, ROSS G.
LANDSBAUM, ERIK E. PRUSCH, and
ROBERT D. SZNEWAJS,

8 Defendants.

9 JESSE MALLINGER, on Behalf of Himself
10 and All Others Similarly Situated,

NO. 16-cv-1316 JCC

11 Plaintiff,

12 v.

13 OUTERWALL, INC., ERIK E. PRUSCH,
14 NELSON C. CHAN, DAVID M. ESKENAZY,
15 ROBERT D. SZNEWAJS, NORA M.
16 DENZEL, ROSS G. LANDSBAUM, and
JEFFREY J. BROWN,

17 Defendants.

18 DOROTHY FILIPPOV, On Behalf of
19 Herself and All Others Similarly Situated,

NO. 2:16-cv-1329 RSM

20 Plaintiff,

21 vs.

22 OUTERWALL, INC., JEFFREY J. BROWN,
23 NELSON C. CHAN, NORA M. DENZEL,
24 DAVID M. ESKENAZY, ROSS G.
LANDSBAUM, ERIK E. PRUSCH, and
ROBERT D. SZNEWAJS,

25 Defendants.
26
27

STIPULATION

This Stipulation is entered into, through the parties' respective counsel, by and among Plaintiffs Syed Abbas ("Abbas"), Charles Baumgartner ("Baumgartner"), Jesse Mallinger ("Mallinger"), Edward T. Hunter ("Hunter") and Dorothy Filippov ("Filippov") (collectively, "Plaintiffs") and defendants Outerwall Inc., Nelson C. Chan, Jeffrey J. Brown, Nora M. Denzel, David M. Eskenzay, Ross G. Landsbaum, Erik E. Prusch and Robert D. Szniewajs (collectively, "Defendants").

1. *Background.* The related actions were filed and captioned as follows: *Abbas v. Outerwall Inc., et al.*, No. 2:16-cv-1275 JLR (filed August 12, 2016); *Baumgartner v. Outerwall, Inc., et al.*, No. 2:16-cv-1281 TSZ (filed August 15, 2016); *Hunter v. Outerwall, Inc., et al.*, No. 2:16-cv-1285 JPD (filed August 16, 2016); *Mallinger v. Outerwall, Inc. et al.*, No. 16-cv-1316 JCC (filed August 19, 2016); and *Filippov v. Outerwall, Inc., et al.*, No. 2:16-cv-1329 RSM (filed August 23, 2016).

2. *Consolidation.* The lawsuits arise out of the same transaction and the same occurrences and involve identical issues of law and fact. In the interests of efficiency and judicial economy, therefore, the parties stipulate and agree that the lawsuits should be, and with the entry of the below Order hereby are, consolidated pursuant to FED. R. CIV. P. 42(a) for all purposes. This stipulated consolidation does not affect or alter any parties' rights, allegations or defenses, does not waive Defendants' right to receive proper service of process or challenge service of process, and does not restrict any party from asserting any claim or defense.

3. *Master Case File Number.* The Court's files in this consolidated lawsuit shall be maintained in one master file under Master File No. 2:16-cv-1275 JLR. All case filings shall be made under this master case file number. A copy of this Order shall be filed in Master File No. 2:16-cv-1275 JLR, and the entry of this Order shall be docketed in Case Nos. 2:16-cv-1281 TSZ; No. 2:16-cv-1285 JPD; No. 16-cv-1316 JCC; and No. 2:16-cv-1329 RSM. Following such docket entry, Case Nos. 2:16-cv-1281 TSZ; No. 2:16-cv-1285 JPD; No. 16-cv-

1 1316 JCC; and No. 2:16-cv-1329 RSM shall be closed, and the parties shall not file any
2 documents under those case numbers.

3 4. *Caption.* The parties hereby stipulate, and with the entry of the below Order it is
4 Ordered, that every pleading filed in the consolidated lawsuit shall bear the following caption:
5

6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 *In re Outerwall Inc., et al. Stockholder*
10 *Litigation*

Master File No. No. 2:16-cv-1275 JLR

11 5. *Newly Filed/Transferred Actions.* In the event that new lawsuits arising out of
12 the same or similar transactions or occurrences and involving the same or similar issues of law
13 and fact are filed, such lawsuits shall be consolidated with this consolidated lawsuit and
14 assigned to the above Master File Number. When a case involving the same or similar
15 transactions or occurrences and involving the same or similar issues of law and fact is hereafter
16 filed in or transferred to this District, counsel in the above-captioned matter shall call the new
17 action to the attention of the Court and shall provide any assistance needed by the Court to
18 ensure the proper consolidation of such action with this consolidated proceeding.
19

20 6. *Lead Counsel.* Lead counsel for Plaintiffs in this Consolidated Action are:
21 WEISS LAW LLP, Richard A. Acocelli, Michael A. Rogovin and Kelly C. Keenan; (212) 682-
22 3025; 1500 Broadway, 16th Floor; New York, NY 10036.

23 7. *Liaison Counsel.* Liaison Counsel for Plaintiffs in the Consolidated Action is
24 BRESKIN JOHNSON & TOWNSEND, PLLC, Roger M. Townsend; 1000 Second Avenue,
25 Suite 3670; Seattle, WA 98104.
26
27

1 8. *Initial Scheduling Order.* After entry of the below Order, the Court will issue a
2 new Initial Scheduling Order bearing the caption set forth in Paragraph 4 above, and governing
3 the claims by all plaintiffs in the consolidated lawsuit.

4 This Stipulation is without prejudice to any other rights that any party may have.

5 SO STIPULATED AND AGREED TO THIS 21ST DAY OF SEPTEMBER, 2016.

6
7 **BRESKIN JOHNSON & TOWNSEND PLLC**

8 s/ Roger M. Townsend

9 Roger M. Townsend, WSBA No. 25525

10 1000 Second Avenue, Suite 3670

11 Seattle, WA 98104

12 Phone: 206-652-8660

13 Facsimile: 206-652-8290

14 rtownsend@bjtlegal.com

15
16 **WEISS LAW LLP**

17 s/ Richard A. Acocelli

18 Richard A. Acocelli, Admitted Pro Hac Vice

19 (212) 682-3025

20 1500 Broadway, 16th Floor

21 New York, NY 10036

22 Attorneys for Syed Abbas

23
24 **BRODSKY & SMITH, LLC**

25 s/ Marc L. Ackerman

26 Marc L. Ackerman, Admitted Pro Hac Vice

27 Two Bala Plaza, Suite 510

 Bala Cynwyd, PA 19004

 (610) 667-6200

 (610) 667-9029 (fax)

 mackerman@brodsky-smith.com

 Attorneys for Charles Baumgartner

LEVI & KORSINSKY LLP

s/ Elizabeth K. Tripodi

 Elizabeth K. Tripodi, Admitted Pro Hac Vice

 1101 30th Street NW, Suite 115

 Washington, DC 20007

STIPULATION AND [PROPOSED] ORDER
CONSOLIDATING RELATED CASES - 5

BRESKIN | JOHNSON | TOWNSEND PLLC

1000 Second Avenue, Suite 3670
Seattle, Washington 98104 Tel: 206-652-8660

1 Tel: (202) 524-4292
2 Fax: (202) 333-2121
3 *Attorneys for Edward T. Hunter*

4 **ROBBINS ARROYO LLP**

5 s/ Stephen J. Oddo
6 Stephen J. Oddo, Admitted Pro Hac Vice
7 600 B Street, Suite 1900
8 San Diego, CA 92101
9 Telephone: (619) 525-3990
10 Facsimile: (619) 525-3991
11 E-mail: sodd@robbinsarroyo.com
12 *Attorneys for Jesse Mallinger*

13 **GAINEY McKENNA & EGGLESTON**

14 s/ Thomas J. McKenna
15 Thomas J. McKenna, Admitted Pro Hac Vice
16 440 Park Avenue South, 5th Floor
17 New York, NY 10016
18 Telephone: (212) 983-1300
19 Facsimile: (212) 983-0383
20 Email: tjmckenna@gme-law.com
21 *Attorneys for Dorothy Filippov*

22 **PERKINS COIE LLP**

23 s/ Ronald L. Berenstein
24 Ronald L. Berenstein, WSBA No. 7573
25 s/ Sean C. Knowles
26 Sean C. Knowles, WSBA No. 39893
27 1201 Third Avenue, Ste. 4900
Seattle, WA 98101
Telephone: (206) 359-8000
Facsimile: (206) 359-9000
Email: rberenstein@perkinscoie.com
sknowles@perkinscoie.com
*Attorneys for Defendants Outerwall Inc., Jeffrey J. Brown,
Nelson C. Chan, Nora M. Denzel, David M. Eskenazy,
Ross G. Landsbaum, Erik E. Prusch, and Robert D. Szniewajs*

1 **WACHTELL, LIPTON, ROSEN & KATZ**

2 s/ Paul K. Rowe

3 Paul K. Rowe (*Pro Hac Vice Application to Come*)

4 51 West 52nd Street

5 New York, NY 10019

6 Telephone: 212.403.2000

7 Email: PKRowe@wlrk.com

8 *Attorneys for Defendants Outerwall Inc., Jeffrey J. Brown,*

9 *Nelson C. Chan, Nora M. Denzel, David M. Eskenazy,*

10 *Ross G. Landsbaum, Erik E. Prusch, and Robert D. Szniewajs*

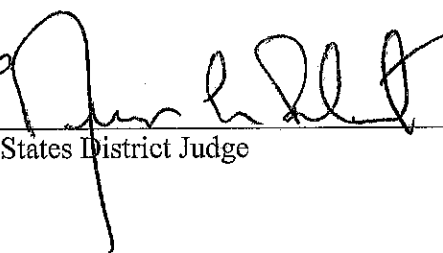
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
STIPULATION AND [PROPOSED] ORDER
CONSOLIDATING RELATED CASES - 7

BRESKIN | JOHNSON | TOWNSEND PLLC
1000 Second Avenue, Suite 3670
Seattle, Washington 98104 Tel: 206-652-8660

ORDER

The above stipulation having been considered and good cause appearing therefore, IT
IS SO ORDERED.

DATED: September 28, 2016


United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Jamie Telegin
Jamie Telegin, Legal Assistant